

Applicant(s): S. Jayaraman
Application No.: 10/696,174
Examiner: S. Gherbi

Remarks

Claims 1, 8, 9, 11, 13, 16, 28, and 34-51 are presented for the Examiner's review and consideration. Claims 1, 8, 9, 11, 13, 16, and 28 have been amended. Claims 2-7, 10, 12, 14, 15, 17-27, and 29-33 have been canceled. Claims 34-51 have been added. Applicant believes the claim amendments, claim additions, and the accompanying remarks herein serve to clarify the present invention and are independent of patentability. No new matter has been added.

Specification Amendments

Applicant has amended the Title of the Invention and the Abstract of the Disclosure to more clearly define the claimed invention.

35 U.S.C. §102 Rejection

Claims 1, 2, 12, 18, and 19 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,524,795 to Francis *et al* (hereinafter "Francis"). In response, Applicant respectfully submits that this rejection should be withdrawn.

Applicant has amended independent claim 1 to more clearly and distinctly claim the present invention. Applicant has amended claim 1 to include, *inter alia*, a method for treating a patient with an intravascular implant. The method includes the steps of diagnosing the patient as having a vascular disease, coating at least a portion of the intravascular implant with a therapeutically effective amount of an inhibitor of mTOR, coating at least a portion of the intravascular implant with a therapeutically effective amount of an inhibitor of PDGF receptor, and implanting the intravascular implant in the patient to treat the vascular disease.

Applicant respectfully contends that Francis fails to teach or suggest all the elements of amended claim 1. Claims 2, 12, 18, and 19 have been canceled. It should be understood that the cancellations are being made to expedite prosecution and should not be construed as an admission that the claims are not patentable over Francis.

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35 U.S.C. §103 Rejection

Claim 6, 8-11, 13, 14, 16, 20-22, and 29-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Francis in view of U.S. Patent Application Publication No. 2003/0060877 to Falotico *et al.* (hereinafter "Falotico"). In response, Applicant respectfully submits that this rejection should be withdrawn.

Claims 6, 10, 14, 20-22, and 29-33 have been canceled. It should be understood that the cancellations are being made to expedite prosecution and should not be construed as an admission to the claims are not patentable over Francis in view of Falotico. Claims 8, 9, 11, 13, and 16 depend from independent claim 1. If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). As previously provided, Applicant submits that independent claim 1 is patentable over Francis. Applicant further submits that Falotico fails to remedy the deficiencies of Francis. Accordingly, Applicant respectfully submits that claims 6, 8, 9, 11, 13, and 16 are patentable over Francis in view of Falotico.

New Claims

Applicant has added claims 34-51 to the application. Support for these claims may be found throughout the specification with emphasis on ¶0071, ¶0107, ¶0112, and ¶0114. Further support for some elements of the new claims may be found in common knowledge of one with ordinary skill in the art, as provided by the Physicians' Desk Reference, 59th Edition, 2005.

Conclusion

In light of the foregoing remarks, this application is now in condition for allowance and early passage of this case to issue is respectfully requested. If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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No fee is believed to be due with this submission. However, please charge the required fee (or credit overpayments) to the Deposit Account of the undersigned, Account No. 500601 (Docket No. 795-A03-004).

Respectfully submitted,



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